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**From:** Brahmbhatt, Roshni [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1C7E3413BAA444FD8A7E15D2ABA7846F-RBRAHMBH]  
**Sent:** 3/15/2022 7:24:00 PM  
**To:** VYip@aqmd.gov; Jack Cheng [jcheng@aqmd.gov]  
**CC:** Chan, Janice [Chan.Janice@epa.gov]  
**Subject:** FW: Violation of rule 3001 of the Clean Air Act

Hi Victor and Jack,

I wanted to follow up on the citizen's concern from the activities at the All American Asphalt facility today.

Thanks,  
Roshni

**Roshni Brahmbhatt** | Pronouns: she/her  
Manager, Air Enforcement Office (ENF 2-1)  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 9  
Email: [Brahmbhatt.Roshni@EPA.gov](mailto:Brahmbhatt.Roshni@EPA.gov)  
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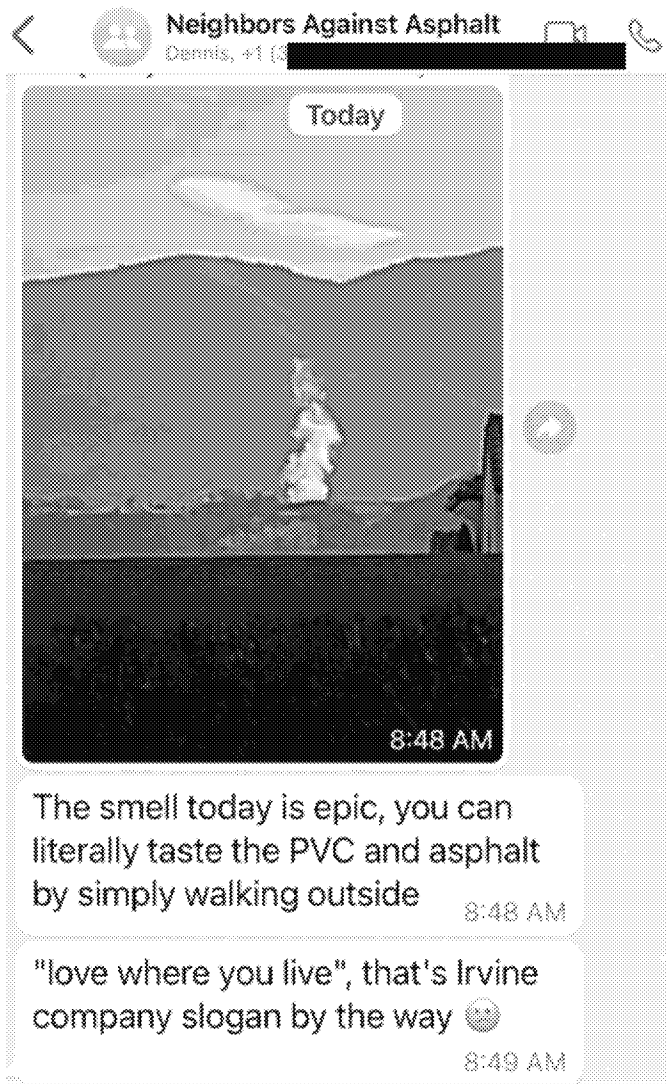
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**From:** Kim Konte <[Ex. 6 Personal Privacy (PP)]>  
**Sent:** Tuesday, March 15, 2022 12:07 PM  
**To:** Nicholas Sanchez <nsanchez@aqmd.gov>  
**Cc:** Gillam, Laura Haynes (EPW) <Laura\_Gillam@epw.senate.gov>; Senator Min <senator.min@senate.ca.gov>; Jones, Caroline (EPW) <Caroline\_Jones@epw.senate.gov>; [Ex. 6 Personal Privacy (PP)]; Zac\_Commins@padilla.senate.gov; Sarah\_Swig@padilla.senate.gov; Gill, Sonam <Gill.Sonam@epa.gov>; Brahmbhatt, Roshni <brahmbhatt.Roshni@epa.gov>; Valladolid, Catherine <Valladolid.Catherine@epa.gov>; Press <press@aqmd.gov>; dsgamiles@argos-sci.com; Lesley Tan <[Ex. 6 Personal Privacy (PP)]>; [Ex. 6 Personal Privacy (PP)]  
**Subject:** Violation of rule 3001 of the Clean Air Act

Nick,

We are trying to understand the purpose of health-protective legislation like the Clean Air Act if it's never enforced? Again today the largest non-compliant polluter of carcinogens(per SCAQMD)**All American Asphalt(AAA)** flooded our community and schools again this morning with noxious asphalt and chemical odors! Residents have been fighting for over four years for air that's safe to breathe for our children yet we are still without any safeguards from these underreported HAPs and nothing has been done to keep AAA accountable and compliant. AAA dictates what our children breathe yet they are noncompliant with AB 2588, the Clean Air Act, and are five years late with their HRA! Who is responsible for allowing AAA to operate with impunity and without consequence other than to our community?

Below is an example of the many reports of noxious air being reported from all over North Irvine. Today the reports started to come in at 6:30 AM 3/15/22:



**We are trying to understand why residents had to be the party responsible for appealing the permit South Coast AQMD awarded AAA in Irvine for the crumb rubber blending system - #2147-10 3d Party Appeal – All American Asphalt. The permit approval was defective as a result of numerous flaws in SC AQMD's permit evaluation, including in the sufficiency of the AAA source testing. These breaches include:**

- Failure to source test and evaluate AAA operations at full capacity of production, given the Carbon Adsorber remediation system designed for a much lower capacity,
- Failure to test and measure numerous other sources of fugitive emissions, such as outside storage and conveyance systems
- Failure to evaluate the undersized carbon adsorption system for emissions during start-up and shut-down processes and for protections from malfunction emissions;
- Failure to fully evaluate all constituents of toxic emissions (H.C., VOCs, sulfurous compounds, PM2.5, metals).
- Failure to properly consider the impact of so-called short-term but continuous emissions on sensitive populations like children based on the locations of the receptors. Receptors(homes) that are only 2,000 feet from AAA.
- Failure to be compliant with rule 3001 of the Clean Air Act and follow the Clean Air Act's permitting process.

How can both SCAQMD and AAA continue to be in violation of rule 3001 of the Clean Air Act? On our call with you on 10/5/21, you acknowledged that All American was accepted into Title V yet they are still not listed as a

Title V Facility. AAA's **2018 VOC emissions triggered Title V applicability** so why did it take SCAQMD until **Feb 4, 2021**, to notify AAA?

**Title V Permitting**

*Based on the facility's self-reported emissions through the South Coast AQMD's Annual Emissions Reporting program, the reported emissions in 2018 and 2019 may have triggered Title V applicability. Therefore, on Feb 4, 2021, AAA was notified to submit an Initial Title V permit application, which was submitted on May 5, 2021. South Coast AQMD is currently reviewing the Title V permit application to determine if the facility will be brought into the Title V permitting program. The status of all permit applications can be accessed through the South Coast AQMD FIND using Facility ID 88207. If the facility is brought into the Title V program, the permit will be made available on the website and will be required to be renewed every five years using the same public noticing process.*

Can you please provide the emissions data for the only AAA facility that is currently listed as a Title V Facility that's located in Corona and share why all nine of AAA's facility located in Corona and none of them have emissions data available on SCAQMD's F.I.N.D tool? **Facility ID = 3704.**

|      |                                     |        |    |           |
|------|-------------------------------------|--------|----|-----------|
| 3704 | ALL AMERICAN<br>ASPHALT, UNIT NO.01 | CORONA | RV | 9/15/2006 |
|------|-------------------------------------|--------|----|-----------|

Can you please share what penalties you have brought against AAA to date with all of their failures to be compliant with both the "Hot Spots" Act as well as the Clean Air Act? ***"Depending on the violation, civil penalties range from \$500 to \$25,000 for each day the infraction remains uncorrected. SB 1731 also penalizes for noncompliance. It specifies that the facility operator is subject to civil penalties for failure to submit a complete audit and plan or failure to implement the measures set forth in the plan."***

All American Asphalt has been caught underreporting their heavy metal emissions and also expanded their operations without the permits to do so as seen in this short video - <https://vimeo.com/646280296>

South Coast Air Quality Management District  
21900 COPLEY DRIVE, DEMPSEY BAR, CA 91732-4126

**NOTICE OF VIOLATION**

P 68583

DATE OF VIOLATION  
11 07 18

Facility Name  
All American Asphalt, All Amer Aggregates

Address  
10671 Jeffrey Rd.  
PO Box 2229

City  
Irvine  
Corona

County  
Orange

State  
CA

Zip  
92602  
91718

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

**DESCRIPTION OF VIOLATIONS**

| Section | Activity  | Check Violation or Rule No. | SCAQMD Permit or License or CUPID Registration No. | County No. (Assignment) | Description of Violation  |
|---------|---|-----------------------------|--|-------------------------|---|
| 1       | <input checked="" type="checkbox"/> VIOLATION<br><input type="checkbox"/> COMPLIANT<br><input type="checkbox"/> CUPID<br><input type="checkbox"/> CUPID | 203 (a)                     |  |                         | Operating a portable crusher / Asphalt blending system and a portable process heater without a valid Air Quality Permit to Operate. |
| 2       | <input checked="" type="checkbox"/> VIOLATION<br><input type="checkbox"/> COMPLIANT<br><input type="checkbox"/> CUPID<br><input type="checkbox"/> CUPID | 203 (a)                     |  |                         | Operating an electrostatic precipitator without a valid Permit to Operate.  |
| 3       | <input checked="" type="checkbox"/> VIOLATION<br><input type="checkbox"/> COMPLIANT<br><input type="checkbox"/> CUPID<br><input type="checkbox"/> CUPID | 203 (b)                     | 64284  | 3                       | Operating an asphalt batch plant without venting scrap S-2 to an air pollution control device.                                      |
| 4       | <input checked="" type="checkbox"/> VIOLATION<br><input type="checkbox"/> COMPLIANT<br><input type="checkbox"/> CUPID<br><input type="checkbox"/> CUPID | 1196 (d)(1)                 | 642315<br>F60378                                   |                         | Failing to conduct source tests on two thermal fluid heaters between 5 and 10 million BTU every 5 years.                            |
| 5       | <input checked="" type="checkbox"/> VIOLATION<br><input type="checkbox"/> COMPLIANT<br><input type="checkbox"/> CUPID<br><input type="checkbox"/> CUPID | 1155 (e)(1)                 | F7177<br>628646<br>628648                          |                         | Failure to conduct weekly visible emissions checks on baghouses.  |

Report to: Don Stinson (951) 766-7618

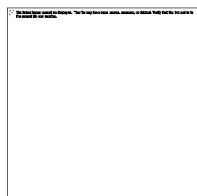
Signature: Peter Campbell

Operations Manager: John Campbell

Method of Service: ☒ In Person ☐ Certified Mail

Our kids need protection from the largest non-compliant polluter in Irvine. We need our regulators to live up to their mission statements and finally get on the right side of this public health crisis.

In Gratitude,



Kim Konte

NON TOXIC NEIGHBORHOODS | OUR WORK

IG: @nontoxicneighborhoods | FB: nontoxicneighborhoods | M:

Ex. 6 Personal Privacy (PP)

Non-Toxic Neighborhoods(TM) operates through a fiscal sponsorship with Players Philanthropy Fund, a Maryland charitable trust recognized by IRS as a tax-exempt public charity under Section 501(c)(3) of the Internal Revenue Code (Federal Tax ID: 27-6601176). Contributions to Non-Toxic Neighborhoods(TM) are tax-deductible to the fullest extent of the law.